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David W Barman
1101 NE 176 Terrace
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In re Application of :
John Blount :
Application No. 10/668,070 :
Filed: September 22, 2003 : ON PETITION
Attorney Docket Number: :
610-001 :

OFFICE OF PETITIONS

This is a decision in response to the Petition Under 37 CFR 1.182, filed November 18, 2004, requesting the application be accorded a filing date of September 22, 2003, including drawing Figure 5 described in the specification.

The petition is granted.

The application was filed on September 22, 2003. However, on September 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, noting that the application had been accorded a filing; however, Figure 5 described in the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that drawing Figure 5 was included among 6 drawing sheets originally filed with the application on September 22, 2003, and was received by this Office as evidenced by the return-receipt postcard. In support, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 6 sheets drawings on September 22, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of, *inter alia*, 6 sheets drawings on September 22, 2003. Petitioner has also re-submitted drawing Figure 5 with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-

addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the postcard against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of drawing Figure 5, supplied with the instant petition on November 18, 2004, will be used for examination purposes.

A refund of the petition fee has been scheduled as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of September 22, 2003, and an indication that 6 sheets of drawings were present on filing, including drawing Figure 5, using the drawing Figure 5 filed with the instant petition on November 18, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Petitions Attorney
Office of Petitions